



Portugal takes new forestry control measures

New regulations impose additional obligations to land owners and tenants regarding the afforestation and reforestation, and the creation of safety plans. The plantation of eucalyptus trees is subject to restrictions. Traders of forestry products must be licensed and will be under the control of ICNF.

Following devastating forest fires in 2017 and 2018, the Portuguese government published four regulations on 21 January 2019 imposing new obligations on forest land owners and tenants, as well as control measures on eucalyptus plantations and reforestation in general.

Decree-Law no. 11/2019 extends the regional forest management plans ("**PROF**") obligations to forest land owners and tenants.

PROF establishes specific rules for the use and exploitation of forest areas, assessing the potential of forest areas and defines the critical areas from the point of view of fire risk.

Forest land owners and tenants are required to:

- (i) Prepare a forest management plan;
- (ii) Comply with the intervention standards in forestry areas; and
- (iii) Not to exceed the limits of area that may be occupied by eucalyptus.

With Decree-Law no. 12/2019, all afforestation and reforestation actions are subject to the authorization of the Institute for Conservation of Nature and Forests ("**ICNF**"), regardless of the forest species. The authorization is valid for a period of two years.

If afforestation or reforestation is not carried out correctly, ICNF may obligate the responsible land owner or tenant to remove the illegal plantations within a maximum of 180 days.

ICNF has now also the specific powers to control all areas planted with eucalyptus.

Decree-Law no. 13/2019 obliges forestry products traders to be licensed and to notify ICNF when at the beginning and end of the harvest and the places where harvesting will occur. A statement with the quantity collected must also be submitted to ICNF. After receiving that information, ICNF will issue a certificate that is now required for selling the products. Licensing and certification are both subject to the payment of fees. The entire procedures are conducted electronically at the ICNF website.

Finally, Decree-Law no. 14/2019 subjects all authorizations for the construction of buildings in areas classified as high or very high risk of rural fire and the construction of buildings for agricultural or forestry activities with municipal interest to a binding favorable opinion by the forest defense commissions.

The four new regulations are effective since January 22, 2019.

© Macedo Vitorino & Associados

Contacts

João de Macedo Vitorino
jvitorino@macedovitorino.com

Joana Fuzeta da Ponte
jfuzetadaponte@macedovitorino.com

This information is provided for general purposes only and does not constitute professional advice.